

**DEPARTMENT OF LABOR****Agency Information Collection Activities; Submission for OMB Review; Comment Request; Improving Investment Advice for Workers & Retirees Prohibited Transaction Exemption**

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before February 28, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** Michael Howell by telephone at 202-693-6782, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** The proposed exemption would allow investment advice fiduciaries under both ERISA and the Code to receive compensation, including as a result of advice to roll over assets from a Plan to an IRA, and engage in principal transactions, that would otherwise violate the prohibited transaction provisions of ERISA and the Code. The exemption would apply to registered investment advisers, broker-dealers,

banks, insurance companies, and their employees, agents, and representatives that are investment advice fiduciaries. The exemption would include protective conditions designed to safeguard the interests of Plans, participants and beneficiaries, and IRA owners. The new class exemption would affect participants and beneficiaries of Plans, IRA owners, and fiduciaries with respect to such Plans and IRAs. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 25, 2023 (88 FR 58312).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–EBSA.

*Title of Collection:* Improving Investment Advice for Workers & Retirees Prohibited Transaction Exemption.

*OMB Control Number:* 1210–0163.

*Affected Public:* Individuals or households.

*Total Estimated Number of Respondents:* 18,259.

*Total Estimated Number of Responses:* 3,259,765.

*Total Estimated Annual Time Burden:* 994,301 hours.

*Total Estimated Annual Other Costs Burden:* \$104,639.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Michael Howell,**

*Senior Paperwork Reduction Act Analyst.*

[FR Doc. 2024–01662 Filed 1–26–24; 8:45 am]

**BILLING CODE 4510–29–P**

**OFFICE OF MANAGEMENT AND BUDGET****Notice; 2023 Statutory Pay-As-You-Go Act Annual Report**

**AGENCY:** Office of Management and Budget (OMB).

**ACTION:** Notice.

**SUMMARY:** This report is being published as required by the Statutory Pay-As-You-Go (PAYGO) Act of 2010. The Act requires that OMB issue an annual report and a sequestration order, if necessary.

**FOR FURTHER INFORMATION CONTACT:** Erin O'Brien. 202–395–3106.

**SUPPLEMENTARY INFORMATION:** This report can be found at <https://www.whitehouse.gov/omb/paygo/>.  
*Authority:* 2 U.S.C. 934.

**Kelly A. Kinneen,**

*Assistant Director for Budget.*

This Report is being published pursuant to section 5 of the Statutory Pay-As-You-Go (PAYGO) Act of 2010, Public Law 111–139, 124 Stat. 8, 2 U.S.C. 934, which requires that OMB issue an annual PAYGO report, including a sequestration order if necessary, no later than 14 working days after the end of a congressional session.

This Report describes the budgetary effects of all PAYGO legislation enacted during the first session of the 118th Congress and presents the 5-year and 10-year PAYGO scorecards maintained by OMB.<sup>1</sup> Because neither the 5-year nor 10-year scorecard shows a debit for the budget year, which for purposes of this Report is fiscal year 2024,<sup>2</sup> a sequestration order under subsection 5(b) of the PAYGO Act, 2 U.S.C 934(b) is not required.

The budget year balance on each of the PAYGO scorecards is zero because the Consolidated Appropriations Act, 2023 (Pub. L. 117–328) shifted the debits on both scorecards from fiscal year 2024 to fiscal year 2025. The change directed by Public Law 117–328 is discussed in more detail in section IV of this report.

During the first session of the 118th Congress, no laws with PAYGO effects were enacted with emergency requirements under section 4(g) of the PAYGO Act, 2 U.S.C. 933(g), though as discussed later in this report, one law was enacted that rescinded funding that received an emergency designation

<sup>1</sup> This report encompasses laws enacted between January 3, 2023 at noon and January 3, 2024 at 11:55 a.m. (Pub. L. 117–329 through Pub. L. 118–34).

<sup>2</sup> References to years on the PAYGO scorecards are to fiscal years.

when it was enacted. Two laws had estimated budgetary effects on direct spending and/or revenues that were excluded from the calculations of the PAYGO scorecards due to provisions excluding part of the law from section 4(d) of the PAYGO Act, 2 U.S.C. 933(d).

**I. PAYGO Legislation With Budgetary Effects**

PAYGO legislation is authorizing legislation that affects direct spending or revenues, and appropriations legislation that affects direct spending in the years after the budget year or affects revenues in any year.<sup>3</sup> For a more complete description of the Statutory PAYGO Act, see Chapter 4, “Budget Process,” of the *Analytical Perspectives* volume of the 2024 President’s Budget, found on the website of the U.S. Government Printing Office (<https://www.govinfo.gov/app/collection/budget/2024/BUDGET-2024-PER>).

The PAYGO Act’s requirement of deficit neutrality is based on two scorecards that tally the cumulative budgetary effects of PAYGO legislation as averaged over rolling 5- and 10-year periods starting with the budget year. The 5-year and 10-year PAYGO scorecards for each congressional session begin with the balances of costs or savings carried over from previous sessions and then tally the costs or savings of PAYGO laws enacted in the most recent session.

The 5-year PAYGO scorecard for the first session of the 118th Congress began with balances of \$443,138 million in 2024, \$1,256,908 million in 2025, \$443,138 million in 2026, and \$72,505 million in 2027. The 10-year PAYGO scorecard for the first session of the 118th Congress began with balances of \$242,729 million in 2024, \$672,477 million in 2025, \$242,729 million per year for 2026–2031, and \$55,709 million for 2032.

Laws enacted during the first session of the 118th Congress created balances on the 5- and 10-year scorecards of –\$1,188 million and –\$891 million in each year, respectively. Public Law 117–328 shifted the fiscal year 2024 debits on both scorecards to fiscal year 2025. Therefore, the 2024 balance on both the 5- and 10-year scorecards is zero. There are balances on the 5-year scorecard of \$1,697,668 million in 2025, \$441,949 million in 2026, \$71,317 million in 2027, and –\$1,188 million in 2028. There are balances on the 10-year scorecard of \$913,423 million in 2025, \$241,837 million in per year for 2026–2031, \$54,818 million in 2032, and –\$891 million in 2033.

In the first session of the 118th Congress, 16 laws were enacted that were determined to constitute PAYGO legislation. Of the 16 enacted PAYGO laws, 5 laws were estimated to have PAYGO budgetary effects (costs or savings) in excess of \$500,000 over one or both of the 5-year or 10-year PAYGO windows. These were:

- Public Law 117–333, Veterans Auto and Education Improvement Act of 2022;
- Public Law 118–5, Fiscal Responsibility Act of 2023;
- Public Law 118–19, An Act to amend title 38, United States Code, to extend and modify certain authorities and requirements relating to the Department of Veterans Affairs, and for other purposes;
- Public Law 118–27, 5G Spectrum Authority Licensing Enforcement Act; and
- Public Law 118–31, National Defense Authorization Act for Fiscal Year 2024.

In addition to the laws identified above, 11 laws enacted in this session were estimated to have negligible budgetary effects on the PAYGO scorecards—costs or savings of less than \$500,000 over both the 5-year and 10-year PAYGO windows.

**II. Budgetary Effects Excluded From the Scorecard Balances**

*A. Emergency Designations*

No laws were enacted in the first session of the 118th Congress with an emergency designation under the Statutory PAYGO Act. However, scorekeeping guidelines adopted by the Office of Management and Budget, the Congressional Budget Office, and the Congressional budget committees preclude scoring savings for the subsequent rescission of funding that was designated as emergency spending when enacted. Although the provisions rescinding the emergency funding are reported on the PAYGO scorecards maintained by OMB, the savings associated with the rescissions are not included in the balances on the scorecards that are used to determine the need for a sequestration. One law was enacted during the first session of the 118th Congress that rescinded funding that was designated as emergency when it was enacted:

- Public Law 118–5, Fiscal Responsibility Act of 2023.

*B. Statutory Provisions Excluding Legislation From the Scorecards*

Two laws enacted in the first session of the 118th Congress had estimated budgetary effects on direct spending and revenues that were excluded from the calculations for the PAYGO scorecards due to provisions in law excluding part of the law from section 4(d) of the PAYGO Act.

Budgetary effects in two laws were excluded from the scorecards:

- Public Law 118–15, Continuing Appropriations Act, 2024 and Other Extensions Act; and
- Public Law 118–22, Further Continuing Appropriations and Other Extensions Act, 2024.

**III. PAYGO Scorecards**

**STATUTORY PAY-AS-YOU-GO SCORECARDS**

[In millions of dollars; negative amounts portray decreases in deficits]

	2024	2025	2026	2027	2028					
First Session of the 118th Congress .....	– 1,188	– 1,188	– 1,188	– 1,188	– 1,188					
Balances from Previous Sessions .....	443,138	1,256,908	443,138	72,505	0					
Change in balances pursuant to Sec. 1001(d)(2) of Division O of Public Law 117–328 .....	– 441,949	441,949	0	0	0					
5-year PAYGO Scorecard .....	0	1,697,668	441,949	71,317	– 1,188					
	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
First Session of the 118th Congress .....	– 891	– 891	– 891	– 891	– 891	– 891	– 891	– 891	– 891	– 891

<sup>3</sup>Provisions in appropriations acts that affect direct spending in the years after the budget year (also known as “outyears”) or affect revenues in any year are considered to be budgetary effects for the purposes of the PAYGO scorecards except if the

provisions produce outlay changes that net to zero over the current year, budget year, and the four subsequent years. As specified in section 3 of the PAYGO Act, off-budget effects are not counted as budgetary effects. Off-budget effects refer to effects

on the Social Security trust funds (Old-Age and Survivors Insurance and Disability Insurance) and the Postal Service.

STATUTORY PAY-AS-YOU-GO SCORECARDS—Continued

[In millions of dollars; negative amounts portray decreases in deficits]

	2024	2025	2026	2027	2028					
Balances from Previous Sessions .....	242,729	672,477	242,729	242,729	242,729	242,729	242,729	242,729	55,709	0
Change in balances pursuant to Sec. 1001(d)(2) of Division O of Public Law 117–328 .....	–241,837	241,837	0	0	0	0	0	0	0	0
10-year PAYGO Scorecard .....	0	913,423	241,837	241,837	241,837	241,837	241,837	241,837	54,818	–891

**IV. Legislative Revisions to the PAYGO Scorecards**

Section 1001(d)(2) of division O of Public Law 117–328, the Consolidated Omnibus Appropriations Act, 2023, states, “For the purposes of the annual report issued pursuant to section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after adjournment of the first session of the 118th Congress, and for determining whether a sequestration order is necessary under such section, the debit for the budget year on the 5-year scorecard, if any, and the 10-year scorecard, if any, shall be deducted from such scorecards in 2024 and added to such scorecards in 2025.” Accordingly, both the 5- and 10-year scorecards deduct the debit from 2024 and add that debit to 2025.

**V. Sequestration Order**

As shown on the scorecards, the budgetary effects of PAYGO legislation enacted in the first session of the 118th Congress, combined with section 1001(d)(2) of division O of Public Law 117–328, resulted in no costs on either the 5-year or the 10-year scorecard in the budget year, which is 2024 for the purposes of this Report. Because the costs for the budget year, as shown on the scorecards, were set to zero for the budget year, there is no “debit” on either scorecard under section 3 of the PAYGO Act, 2 U.S.C. 932, and a sequestration order is not required.<sup>4</sup>

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**BILLING CODE 3110–01–P**

<sup>4</sup> Sequestration reductions pursuant to the Balanced Budget and Deficit Control Act (BBEDCA) Section 251A for 2024 were calculated and ordered in a separate report and are not affected by this determination. See: [https://www.whitehouse.gov/wp-content/uploads/2023/03/BBEDCA\\_Sequestration\\_Report\\_and\\_Letter\\_3-13-2024.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/03/BBEDCA_Sequestration_Report_and_Letter_3-13-2024.pdf).

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

[NARA–23–0016; NARA–2024–012]

**Records Schedules; Notice of Withdrawal**

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice; withdrawal.

**SUMMARY:** On January 23, 2024, the National Archives and Records Administration (NARA) published a **Federal Register** notice to allow public comment on the records schedules listed at the end of this notice. The notice is hereby withdrawn.

**DATES:** The document published at 89 FR 4340 on January 23, 2024, is withdrawn as of January 29, 2024.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Richardson, Strategy and Performance Division, by email at [regulation\\_comments@nara.gov](mailto:regulation_comments@nara.gov). For information about records schedules, contact Records Management Operations by email at [request.schedule@nara.gov](mailto:request.schedule@nara.gov) or by phone at 301–837–1799.

**SUPPLEMENTARY INFORMATION:**

**Public Comment Procedures**

We publish notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

When the records schedule notice was published on January 23, 2024, at 89 FR 4340, the docket was assigned an incorrect number and the link to the URL for the regulations.gov docket for the schedules was incorrect. Due to these clerical errors, the notice will be withdrawn and the schedules will be reposted as soon as possible in a new notice, allowing the full 45-day comment period for the public to submit comments.

**Schedules Withdrawn**

1. Department of Defense, Defense Contract Audit Agency, Records related to Security and Intelligence (DAA–0372–2022–0001).

2. Department of Health and Human Services, Office of Medicare Hearings and Appeals, Administrative Law Judge and Attorneys Files (DAA–0468–2023–0003).

3. Department of Homeland Security, Federal Emergency Management Agency, Mission Training Records (DAA–0311–2022–0001).

4. Department of Homeland Security, U.S. Citizenship and Immigration Services, Teacher Training for Citizenship Education Records (DAA–0566–2022–0002).

5. Department of Homeland Security, U.S. Customs and Border Protection, Promissory Notes (DAA–0568–2023–0003).

6. Department of the Navy, Agency-Wide, Telecommunications and Information Technology (DAA–NU–2019–0009).

7. Central Intelligence Agency, Agency-wide, Mission Related Data (DAA–0263–2018–0001).

8. National Security Agency, Agency-wide, Transaction Monitoring (DAA–0457–2024–0001).

**Laurence Brewer,**  
*Chief Records Officer for the U.S. Government.*

[FR Doc. 2024–01660 Filed 1–26–24; 8:45 am]

**BILLING CODE 7515–01–P**

**NATIONAL CREDIT UNION ADMINISTRATION**

**Proposed Collection; Request for Comments**

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Notice of submission to the Office of Management and Budget.

**SUMMARY:** As required by the Paperwork Reduction Act, the National Credit Union Administration (NCUA) is submitting the new, proposed